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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,741	07/25/2002	Hermann Kuenzner	951/50921	4567
23911	7590	03/30/2004		
CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300			EXAMINER TRIEU, VAN THANH	
			ART UNIT 2636	PAPER NUMBER 16

DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/088,741

Applicant(s)

KUENZNER ET AL.

Examiner

Van T Trieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-16 and 18-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-13,15,16,18-21 and 23-37 is/are rejected.
- 7) ☐ Claim(s) 4,14 and 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-3, 6, 7, 9-13, 15, 16, 18-21, 23 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by **Smith** [US 4,935,850].

Regarding claim 1, the claimed display unit comprising a scale with graphic information and an indicator element which is aligned as a function of at least one input parameter with a position of the scale (the speedometer dial comprising a display 20 having a speed scale with marks/graphics 22 and an indicator element needle 2 which is aligned the scale marks as a function to indicate an actual speed of a driving vehicle, see Figs. 1 and 2, col. 3, lines 30-68); and the display of the graphic information in an area around a momentary position of the indicator element is emphasized in comparison with a normal display, which is inherently met by when the vehicle speed increase, the indicator element needle 2 is aligned with the scale marks/graphics 22 which is emphasized by illuminated by fiber optic bundles 26 having a particular color to indicate of current speed of the vehicle, while other marks/graphics 22 are in dark or not illuminated, see Figs. 2 and 4, col. 4, lines 1-68 and col. 5, lines 1-15.

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Regarding claim 2, the claimed area is selected as a function of the input parameter (the illuminated area of the current needle 2 and marks/graphics 22 as a function of the input vehicle speed, see Figs. 2 and 4, col. 4, lines 1-68 and col. 5, lines 1-15).

Regarding claim 3, all the claimed subject matters are cited in respect to claim 1 above, and including the graphic information within the area is selected in a predetermined manner is me by the marks/graphics 22 information within the illumination is selected with a predetermined particular color for indicating of actual speed of the vehicle.

Regarding claim 6, all the claimed subject matters are cited in respect to claim 1 above.

Regarding claim 7, all the claimed subject matters are cited in respect to claim 1 above, see Figs. 1 and 2.

Regarding claim 9, all the claimed subject matters are cited in respect to claim 1 above.

Regarding claim 10, all the claimed subject matters are cited in respect to claim 1 above.

Regarding claim 11, all the claimed subject matters are cited in respect to claim 10 above, see Fig. 1.

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Regarding claim 12, all the claimed subject matters are cited in respect to claim 11 above, and including the size of the area varies is met by the varying size of the illuminated graphics/marks area as the speed rate change, see Fig. 2.

Regarding claim 13, all the claimed subject matters are cited in respect to claim 11 above, see Fig. 4.

Regarding claim 15, all the claimed subject matters are cited in respect to claim 1 above, and including the graphic/marks 22 are illuminated with different color contrast with the display background by color filter segment 8 for easily recognized by a driver, see Figs. 1, 2 and 4, col. 3, lines 30-68 and col. 4, lines 26-65.

Regarding claim 16, all the claimed subject matters are cited in respect to claim 10 above.

Regarding claim 18, the method claimed limitations are met by the apparatus claim 1 above.

Regarding claim 19, all the claimed subject matters are cited in respect to claim 18 above.

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Regarding claim 20, all the claimed subject matters are cited in respect to claim 1 above, and the varying size of the area is met by the varying size of the illuminated graphics/marks area as the speed rate change, see Figs. 2 and 4.

Regarding claim 21, all the claimed subject matters are cited in respect to claims 19 above.

Regarding claim 23, all the claimed subject matters are cited in respect to claims 15 and 18 above.

Regarding claim 24, all the claimed subject matters are cited in respect to claim 18 above.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

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under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Smith, Jr.** [US 4,935,850] in view of **Patterson, et al** [US 4,814,757].

Regarding claim 5, **Smith Jr.** fails to disclose the control device is provided, which receives the input parameter and is connected to the display unit. However, **Smith Jr.** teaches that the speedometer 4 includes a servo 4 receives vehicle speed signal to rotate the needle 2 parallel with the graphics/marks 22 in the speedometer display 20 to indicate the actual vehicle speed, see Figs. 2-4, col. 4, lines 1-68 and col. 5, lines 1-23. **Patterson et al** suggests that an electrical display for use as aircraft exhaust gas temperature indicator EGT 36 or 45 comprising a microcomputer 60 with A/D converter 56 for converting the tachometer signal to the microcomputer 60 and to the display device 22 of the EGT 36 or 45. The display device includes a plurality of display areas, each being energized to display a discrete digit of the plural number having a first and second display area. The first display area is larger than the second display area and is capable of fully displaying one digit value and at the same time at least part of an adjacent value is less, see Figs. 2-8, col. 6, lines 21-66, col. 8, lines 32-39, col. 13, lines 64-68, col. 14, lines 1-12 and col. 16, lines 48-65. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the microcomputer with digital display device of **Patterson et al** for the

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mechanical servo and display unit of **Smith, Jr.** because the microcomputer and the digital display are smaller for minimizing space to the dashboard, and the data information signals are received faster and higher accuracy than of the mechanical signal.

### ***Response to Arguments***

3. Applicant's arguments filed on 18 February 2004 have been fully considered but they are not persuasive. Because,

#### Applicant's arguments:

- (A) **Smith** illuminates area is not around the position of the indicator element.
- (B) **Smith** illuminates area is not focused on the indicator element.

#### Response to the arguments:

(A) **Smith** illuminate areas to be increased from the left area toward the right according to increasing of the vehicle speed, or to be decreased from the right area to the left according to decreasing of vehicle speed, for indicating of the current speed with the position of the pointer at the geographic speed information. Therefore, it is inherently met the claimed limitations "display of the graphic information in an area around a momentary position of the indicator element is emphasized in comparison with a normal display".



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(B) The independent claims 1, 10 and 18 do not specifically claimed focusing on the indicator element. However, the dependent claims 4, 14 and 22 claimed of the defined enlarging/focusing of the geographic information.

### ***Conclusion***

4. Claims 4, 14 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from examiner should be directed to primary examiner **Van Trieu** whose telephone number

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is (703) 308-5220. The examiner can normally be reached on Mon-Fri from 7:00 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. **Jeffery Hofsass** can be reached on (703) 305-4717.

The office facsimile number is (703) 872-9314.

A handwritten signature in black ink, appearing to read 'Van Trieu', with a long horizontal flourish extending to the right.

**Van Trieu**  
**Primary Examiner**  
**Date: 3/29/04**